

Application No. 09/837,008  
Amendment Dated September 20, 2007  
Reply to Office Action of July 11, 2007

**REMARKS**

Applicants respectfully request further examination and reconsideration in view of the arguments set forth fully below. In the Office Action dated July 11, 2007, claims 41, 42, 45, 46, 57-68 and 70-90 have been rejected. In response, the Applicants have submitted the following remarks. Accordingly, claims 41-42, 45-46, 57-68 and 70-90 are still pending. Favorable reconsideration is respectfully requested in view of the arguments set forth fully below.

**Rejections Under 35 U.S.C. §103**

Claims 41, 42, 57, 60-62, 65, 70, 72-75 and 77 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,483,668 to Malkamaki et al. (hereinafter Malkamaki) in view of U.S. Patent No. 6,222,830 to Padovani et al. (hereinafter Padovani). The Applicants respectfully disagree with this rejection.

Padovani teaches a novel and improved system and method for assembling a single data stream for multiple instances of that data stream (Padovani, abstract). Within the Office Action, column 8, lines 55-67 are cited as describing in detail the elements of the Applicants claim 43. However, the Padovani reference teaches a system where individual frames are analyzed by a plurality of base transceiver stations, and the base transceiver stations perform error detection procedures on the frames, and subsequently form a packet by adding a rate 306, frame quality metric 308, time stamp 310, and an address 312 to the selected data frame 300 to form a packet 305 before forwarding the packet to the base station controller for comparison. In contrast to Padovani, the system of the present invention sends two packets to each RF transceiver, which in turn, forwards that set of data packets to the centralized computer for analysis. In short, the RF transceivers of the present invention perform a very different function and purpose of the base transceiver stations of the Padovani reference.

The Applicants respectfully submit that the Padovani reference requires a plurality of base transceiver stations to form error detection procedures on the frames. This requirement of Padovani teaches away from the combination to Malkamaki where a

Application No. 09/837,008  
Amendment Dated September 20, 2007  
Reply to Office Action of July 11, 2007

central computer is located. In short, the Applicants respectfully submit that the Padovani reference, requiring a plurality of base transceiver stations cannot be combined with the Malkamaki reference to come to the system and method of the present application as a system such as taught in Padovani cannot logically be combined with the system of Malkamaki to perform an error analysis on multiple RF signals. For at least these reasons, the Applicants respectfully submit that the Padovani and Malkamaki reference cannot and should not be combined. Furthermore, as stated in the Office Action, the Malkamaki reference does not expressly disclose a centralized computer selecting one of the set of corresponding data packets based upon error detection codes contained within the set of corresponding data packets.

In contrast to the teachings of Malkamaki, Padovani, and their combination, the architecture for TDMA medical telemetry system of the present invention includes a plurality of RF transceivers distributed throughout an area and a plurality of wireless communications devices which communicate bi-directionally with a centralized computer via the RF transceivers. At least some of the RF transceivers transmit and receive data on different RF channels, and furthermore at least one of the plurality of wireless communication devices maintains connections with at least two different RF transceivers at the same time, and the wireless communication device transmits a set of corresponding data packets to the centralized computer via each of the two different RF transceivers. The centralized computer selects one of the two sets of data packets based upon error detection code contained within the set of corresponding data. The RF transceivers taught and claimed in the present invention do not perform error detection nor attach a frame quality metric to the data packets.

Claim 41 is directed to a communication system which supports the mobility of wireless communication devices throughout a building comprising at least one centralized computer, a plurality of RF transceivers connected to the at least one centralized computer, the RF transceivers distributed throughout buildings such that different transceivers provide coverage for different regions of the building, at least some of the RF

transceivers of the plurality transmitting and receive data on different RF channels, and a plurality of wireless communications devices which communication bi-directionally with the at least one centralized computer via the plurality of RF transceivers, the plurality of wireless communication devices communicating with the RF transceivers using a wireless time division access (TDMA) protocol, the wireless TDMA protocol including a switchover protocol in which the wireless communications devices connect to different RF transceivers of the plurality based upon the assessments of RF link conditions between individual wireless communication devices and individual RF transceivers, the wireless TDMA protocol thereby supporting the mobility of the wireless communications devices between the different regions of the building, wherein at least one of the wireless communications devices maintains respective wireless connections with at least two different RF transceivers of the plurality of RF transceivers at a time, and transmits a set of corresponding data packets to the centralized computer via each of the two different RF transceivers, and wherein the centralized computer selects one of the set of corresponding data packets received from the different RF transceivers based upon error detection codes contained within the set of corresponding data packets, and further wherein the at least one wireless communications device transmits the set of corresponding data packets to the at least two RF transceivers on different respective RF frequencies. As discussed above, neither Malkamaki, Padovani, nor their combination teach at least some of the RF transceivers of the plurality transmitting and receiving data on different RF channels, and the centralized computer selecting one of the set of corresponding data packets based upon error detection codes contained within the set of corresponding data packets. For at least these reasons, claim 41 is allowable over the teachings of Malkamaki, Padovani and their combination.

Claims 42, 57 and 60-62 are dependent upon the independent claim 41. As discussed above, the independent claim 41 is allowable over the teachings of Malkamaki and Padovani. Accordingly, claims 42, 57 and 60-62 are also allowable as being dependent upon an allowable base claim.

Application No. 09/837,008  
Amendment Dated September 20, 2007  
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The Applicant has amended the independent claim 65 to also include the limitations of claim 41. Therefore, the Applicants respectfully submit that the independent claim 65 is allowable for the same reasons as discussed above with respect to the independent claim 41.

Claims 70, 72-75 and 77 are dependent upon the independent claim 65. As discussed above, the independent claim 65 is allowable over the teachings of Malkamaki, Padovani and their combination. Accordingly, claims 70, 72-75 and 77 are also allowable as being dependent upon allowable base claim.

Claims 45 and 67 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Malkamaki in view of Padovani, and further in view of U.S. Patent No. 6,813,277 to Edmond et al. (hereinafter Edmond). Claims 45 and 67 are dependent upon the independent claims 41 and 65. As discussed above, the independent claims 41 and 65 are allowable over the teachings of Malkamaki and Pandovani. Accordingly, claims 45 and 67 are also allowable as being dependent upon an allowable base claim.

Claims 58, 68, 71, 79-81, 83-86, 89 and 90 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Malkamaki in view of Padovani, and further in view of U.S. Patent No. 6,192,038 to Wallerius et al. (hereinafter Wallerius).

Claims 58, 68 and 71 are dependent upon the independent claims 41 and 65. As discussed above, the independent claims 41 and 65 are allowable over the teachings of Malkamaki and Padovani. Accordingly, claims 58, 68 and 71 are also allowable as being dependent upon an allowable base claim.

The Applicant has amended the independent claim 79 to include the limitations of claims 41 and 65. Therefore, the Applicants respectfully submit that the independent claim 79 is allowable for the same reasons as discussed with respect to the independent claims 41 and 65.

Claims 80, 81, 83-86, 89 and 90 are dependent upon the independent claim 79. As discussed above, the independent claim 79 is allowable over the teachings of Malkamaki

Application No. 09/837,008  
Amendment Dated September 20, 2007  
Reply to Office Action of July 11, 2007

and Padovani, Wallerius, and their combination. Accordingly, claims 80, 81, 83-86, 89 and 90 are also allowable as being dependent upon an allowable base claim.

Claim 59 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Malkamaki in view of Padovani, and further in view of U.S. Patent No. 5,754,956 to Abreu et al. (hereinafter Abreu). Claim 59 is dependent upon the independent claim 41. As discussed above, the independent claim 41 is allowable over the teachings of Malkamaki and Padovani. Accordingly, claim 59 is also allowable as being dependent upon an allowable base claim.

Claim 63, 64, 66, and 78 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Malkamaki in view of Padovani, and further in view of U.S. Patent No. 4,775,996 to Emerson et al. (hereinafter Emerson). Claim 63, 64, 66 and 78 are dependent upon the independent claims 41 and 65. As discussed above, the independent claims 41 and 65 are allowable over the teachings of Malkamaki and Padovani. Accordingly, claims 63, 64, 66 and 78 are also allowable as being dependent upon an allowable base claim.

Claims 46 and 76 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Malkamaki in view of Padovani, and further in view of U.S. Patent No. 5,152,584 to Engira (hereinafter Engira). Claims 46 and 76 are dependent upon the independent claims 41 and 65. As discussed above, the independent claims 41 and 65 are allowable over the teachings of Malkamaki and Padovani. Accordingly, claims 46 and 76 are also allowable as being dependent upon an allowable base claim.

Claim 82 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Malkamaki in view of Padovani in view of Wallerius and further in view of Edmon. Claim 82 is dependent upon the independent claim 65. As discussed above, the independent claim 65 is allowable over the teachings of Malkamaki and Padovani. Accordingly, claim 82 is also allowable as being dependent upon an allowable base claim.

Application No. 09/837,008  
Amendment Dated September 20, 2007  
Reply to Office Action of July 11, 2007

Claim 88 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Malkamaki in view of Padovani in view of Wallerius as applied to claim 79 above, and further in view of Emerson. Claim 88 is dependent upon the independent claim 65. As discussed above, the independent claim 65 is allowable over the teachings of Malkamaki and Padovani. Accordingly, claim 88 is also allowable as being dependent upon an allowable base claim.

Claim 87 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Malkamaki in view of Padovani in view of Wallerius as applied to claim 79 above, and further in view of Engira. Claim 87 is dependent upon the independent claim 65. As discussed above, the independent claim 65 is allowable over the teachings of Malkamaki and Padovani. Accordingly, claim 87 is also allowable as being dependent upon an allowable base claim.

For these reasons, Applicants respectfully submit that all of the claims are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at 414-271-7590 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

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